

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CLINBERTHA HERCULES AND ANCIL JOHN,

Plaintiffs,

-against-

THE CITY OF NEW YORK, DEPUTY INSPECTOR  
FRANK VEGA, POLICE OFFICER PAUL PARKINSON,  
POLICE OFFICER WILLIAM GAVIGAN, POLICE  
OFFICER HERVE FRANCOIS, POLICE OFFICER  
FRANK BULZONI, JOHN DOE # 1-3,

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE**

**09 CV 2603 (ENV)(SMG)**

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**WHEREAS**, plaintiffs Clinbertha Hercules And Ancil John commenced this action by filing a complaint on or about June 18, 2009 alleging that defendants violated their constitutional rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiffs' allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**WHEREAS**, plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

I. The above-referenced action is hereby dismissed with prejudice and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff, Clinbertha Hercules the total sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) and further agrees to pay plaintiff Ancil John TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$22,500.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees in connection with the claims Plaintiffs brought in this lawsuit or could have brought in this lawsuit. In consideration for the payment of these sums referenced above, plaintiffs agree to dismissal of all of their claims against the City of New York and the individually named defendants, Deputy Inspector Frank Vega, Police Officer Paul Parkinson, Police Officer William Gavigan, Police Officer Herve Francois, Police Officer Frank Bulzoni (collectively the "Defendants") and to release Defendants and the City of New York and any present or former employees or agents of the City of New York, from any and all liability, claims, or rights of action that have or could have been alleged by plaintiffs Clinbertha Hercules And Ancil John in this action, arising from any acts contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a general release based on the terms of paragraph "2" above and an Affidavit Concerning Liens in the forms annexed hereto.

4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated Plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and

settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

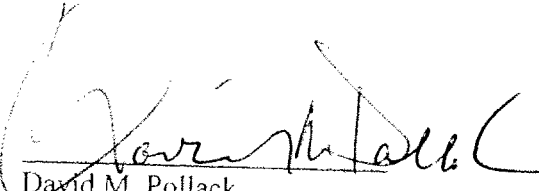
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time, nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
March 5, 2010

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By:   
Nicole Bellina, Esq.

By:   
David M. Pollack  
Assistant Corporation Counsel

SO ORDERED:

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U.S.D.J.